

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2393 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

K. F. SHAH, DECEASED BY HIS HEIRS

Versus

STATE OF GUJARAT

Appearance:

None present for the Petitioners
Shri N.N. Pandya for Respondent No. 1 and 2.
None present for respondent no.3 and 4.

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/07/96

ORAL JUDGEMENT

1. A notice which has been sent to the respondent no.5 returned with the remark " not found at the given address.' The name of the respondent no.3 is ordered to be struck off.

2. Perused the record and heard Shri N.N.Pandya,

learned counsel for respondents no.1 and 2. The petitioner prayed for in this Sp. Civil Application to give him the deemed date of promotion to the post of Deputy Superintendent of Police with effect from year 1966 when his juniors were promoted. It is not in dispute that the petitioner has been promoted subsequently. The reply to this Special Civil Application has been filed in which the respondents have come up with a case that the case of the petitioner was considered in the year 1966 and 1967 but he was not given promotion as he was not found fit. The petitioner has only a right of consideration for promotion, and not the right of promotion on the basis of the assessment of the case of the petitioner. In case he was not found fit, he has rightly been not given the deemed date of promotion. This Court will not sit as a Appellate authority above the decision of the departmental promotion committee. The fact that the petitioner was considered for promotion in the year 1966 and 1967 has not been controverted. Otherwise also the petitioner is superseded in the year 1966 and 1967 and this Sp. Civil Application has been filed by him in the year 1983. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged.
